

Message

From: Hestmark, Martin [Hestmark.Martin@epa.gov]
Sent: 7/31/2018 6:30:06 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]
CC: Moon, Diane [Moon.Diane@epa.gov]; Daly, Carl [Daly.Carl@epa.gov]; Nowak, April [Nowak.April@epa.gov]; Pardue-Welch, Kimberly [Pardue-Welch.Kimberly@epa.gov]
Subject: FW: Meeting currently on hold for RA...
Attachments: Summary of the EPCRA Section 313 Reporting Requirements and the National Mining Association (NMA) Lawsuit _ Toxics Release Inventory (TRI) Program _ US EPA.PDF; 2001 EPA Response to National Mining Association_4-23_response.pdf; 59011STLLWPOBOX RI Search Results _ Envirofacts _ US EPA retrieved 20180726.pdf; 59061SMCNY5MILE TRI Search Results _ Envirofacts _ US EPA retrieved 20180726.pdf; 1999metal.pdf; EPA Analysis of Decision in Barrick Goldstrike Mines, Inc. v. Whitman _ Toxics Release Inventory (TRI) Program _ US EPA.PDF; Qs & As Analyzing the Decision in Barrick Goldstrike Mines, Inc. v. Whitman _ Toxics Release Inventory (TRI) Program _ US EPA.PDF; Federal Register Final Rule 97-11154.pdf

Diane/Doug – here are background documents should you still be meeting with Stillwater mining on Friday. We have

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From: Wood, MelanieL
Sent: Friday, July 27, 2018 9:35 AM
To: Hestmark, Martin <Hestmark.Martin@epa.gov>
Cc: Daly, Carl <Daly.Carl@epa.gov>; Lucas, Debra <Lucas.Debra@epa.gov>
Subject: FW: Meeting currently on hold for RA...

Assuming you want as well.

From: Nowak, April
Sent: Friday, July 27, 2018 9:32 AM
To: Lucas, Debra <Lucas.Debra@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>
Cc: Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>; Wood, MelanieL <Wood.MelanieL@epa.gov>
Subject: FW: Meeting currently on hold for RA...

Good morning,

Regarding TRI and mining, the Agency does have a history. There are nine supporting attachments.

Attached, please find the Final Rule Federal Register regarding addition of mining as a required sector for reporting under EPCRA: Summary of Reporting Requirements and National Mining Association Lawsuit; the Agency's 2001 Response to the NMA; a TRI Facility Report for STILLWATER MINING CO EAST BOULDER MINE (TRIFID 59011STLLWPOBOX); a TRI Facility Report for SMC NYE MINE SITE (TRIFID 59061SMCNY5MILE); EPA's 1999 Metal Mining Guidance; EPA Analysis of Decision in Barrick Goldstrike Mines; and, Q & As Analyzing EPA the Decision in Barrick Goldstrike.

Links to these attachments can be found at: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-metal-mining-information>

In 1996, the Agency proposed a rule to add multiple industrial sectors to EPCRA 313 (Toxics Release Inventory). Metal and coal mining were included. The 1997 Final Rule added seven industry groups to be subject to reporting requirements of EPCRA 313 and Section 6607 of the Pollution Prevention Act (PPA).

In 1998, the National Mining Association challenged EPA regarding TRI reporting requirements, as well as the interpretation of 'processed' or 'manufactured'. The Agency has maintained the interpretations and provides facilities with 1999 Guidance on reporting. In 2003, the District Court for the District of Columbia, upheld EPA's interpretation of manufactured and processed.

The EPA Analysis of Decision in Barrick Goldstrike includes, "Until EPA completes its upcoming rulemaking on certain preparatory activities, individual mining facilities will remain responsible for determining whether their preparation of toxic chemicals in ore is better characterized as "manufacturing "or "processing.""

The Agency considers processing to include quantities of chemicals/compounds in ore.

The Agency considers manufactured quantities of chemicals/compounds to include extraction and beneficiation activities.

In general nationally, mining facilities contribute substantially to total TRI numbers of pounds of chemicals/compounds. The metal mining industry (NAICS 2122) accounts for approximately one-third of all TRI releases (TRI National Analysis 2006-2016).

Metal mining facilities are often highlighted in the Agency's Toxics Release Inventory National Analysis and in the press. Metal mining facilities have a greater volume and weight that contributes to being identified as top releasers.

Based on 2016 TRI reporting, there are 132 mining facilities (NAICS 2122) in R8.

State	Number of Mining Facilities (NAICS 2122) - 2016
CO	42
MT	40
ND	0
SD	8
UT	41
WY	1

Thank you. Please let me know if you have questions or need additional information.

I will be on leave Thursday August 2nd through Friday August 10th, returning to the office on Monday August 13th.

April Nowak
Public Servant
Toxics Release Inventory, Clean Green Healthy Schools,
and Toxic Substances Control Act Coordinator
Environmental Stewardship Unit
US EPA Region 8

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From: Hestmark, Martin
Sent: Thursday, July 26, 2018 1:02 PM
To: Moon, Diane <Moon.Diane@epa.gov>
Cc: Lucas, Debra <Lucas.Debra@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Wood, Melaniel <Wood.Melaniel@epa.gov>; Payan, Melissa <Payan.Melissa@epa.gov>; Nowak, April <Nowak.April@epa.gov>; Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>
Subject: RE: Meeting currently on hold for RA...

Melissa/April – Could you find and forward through Deb and Carl, the general input/feedback/commentary we/the

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From: Moon, Diane

Sent: Thursday, July 26, 2018 12:39 PM

To: O'Connor, Darcy <oconnor.darcy@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>

Cc: Lucas, Debra <Lucas.Debra@epa.gov>; Lucero, Adele <Lucero.Adele@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>

Subject: FW: Meeting currently on hold for RA...

See info below. Betsy suggested I include you as well for any meeting feedback.

Diane Rene Moon

Staff Assistant to the Regional Administrator

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From: Smidinger, Betsy

Sent: Thursday, July 26, 2018 12:37 PM

To: Moon, Diane <Moon.Diane@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>

Cc: Bellamy, Diana <bellamy.diana@epa.gov>

Subject: RE: Meeting currently on hold for RA...

Hi Diane – Please also include Darcy for the nutrient standards issue and Martin for TRI.

Thanks

Betsy

From: Moon, Diane

Sent: Thursday, July 26, 2018 9:21 AM

To: Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>

Cc: Bellamy, Diana <bellamy.diana@epa.gov>

Subject: Meeting currently on hold for RA...

This request came in just before I left. I'm waiting for Doug to confirm he is meeting with them.

Please advise if I should let others in R8 know of the proposed subject matter.

Good Morning Diane,

It was a pleasure speaking with you yesterday afternoon regarding arrangement of a meeting with Mr. Benevento. As discussed, Sibanye-Stillwater (aka Stillwater Mining Company) would appreciate an opportunity to meet with the Administrator and primarily discuss the numeric nutrient standards in the State of Montana and specifically EPA's denial of the general nutrient variance criteria for private industrial dischargers. Additionally, and time permitting, we would certainly appreciate the opportunity to visit about TRI Reporting, Abandon Mine Cleanup, and streamlining NEPA. If possible, we would appreciate a couple hours of Mr. Benevento's time but will certainly work with whatever time he has available. As discussed, we are currently penciling in the afternoon of Friday, August 3.

Thanks for your time and please let me know if you have any questions or need additional information.

Respectfully,

Randy

[\[mailto:rweimer@sibanyestillwater.com\]](mailto:rweimer@sibanyestillwater.com)

RANDY WEIMER

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